THE Country Gentleman's Notion Concerning GOVERNMENTS IN

A Letter to his Friend at *Leeds* in *Yorkshire*.

SIR,

I Receiv'd yours, and am concern'd at the continuance of your Diſſatisfaction about the Oaths to King *William*. I will not ſay the ſeverity of the Penalties annex'd by the Late Act, to the refuſal of them, ought to influence your Judgment; but for the ſake of your Family, you will do well to take the matter into further Conſideration. Be aſſured, that my Conviction of the Lawfulneſs of theſe Oaths is neither influenc'd by Fear nor Flattery: I hope you know me to be too much an Engliſhman, to believe I have been ſway'd by either; and I know you too well, to

imagine that my Example ſhou'd govern or prevail upon you further, than the Reaſons ~~which I learnt while at *London*~~ (in Converſation with ſeveral Lawyers and others) may have ſome weight with you, if plac'd in a due Light, and Conſider'd with Temper.

You muſt not expect a Vindication of the *King's* Title. To endeavour to Juſtifie it, is to ſuppoſe a doubt; which he muſt do, who goes about to argue it. *Soveraigns* Titles are never to be debated, or vindicated, but in the wiſeſt and moſt tender manner imaginable, and it ſhou'd be by Perſons of the greateſt Knowledge, Sagacity and Prudence; and I think never without the Direction and Command, or Expreſs Allowance of Authority. For any Defence of a Title, if not well manag'd, is a Libel upon that Title. And we have had too many of them publiſh'd already, which inſtead of allaying ſcruples, have increas'd their number.

It ſuffices me, and ſeveral of my Acquaintance, in order to our ſatisfaction, to reaſon thus: That Man is a ſociable Creature; that a ſingle Perſon could never be happy *without* the Converſation and Aſſiſtance of Others; nor *with* it, if all his Acquaintance were Miſerable: That Societies therefore were inſtituted by the Creator for the good of Mankind; and that ſuch Good is intended in reſpect of the *Greater Number*; and conſequently, that as the Good of Individuals, ſo the *Opinion* of 'em too, is involv'd in that of the Majority, as united in one Civil Society. This Majority in all Aſſemblies, or Numbers of Men together, upon

on all Occasions doth and must conclude the whole: For the whole could never otherwise be concluded by any publick Act or Determination, if such Act were not binding to every one, before every one in particular had actually consented to it. For who ever knew, or can imagine an Exact Agreement of a great Multitude of men in One Opinion. On which account it seems neither Wise, Mannerly, nor Lawful, to oppose, or Contradict the Sentiments of the Community, whereof I am a Member, in things of this nature, wherein the Welfare of the Whole is concern'd.

For as every man is presum'd most fond of his own Interest, so the greater number must be suppos'd to be equally careful of theirs, and by consequence, that what is done by the Majority is best for the Whole. 'Tis plain that by our Constitution, in all Courts of Justice, the Majority gives the Rule; and that Rule obliges the dissenting Judges to Act, as well as Declare contrary to their own several Private Opinions; and in all Controversies and Disputes among Scholars, the Opinion of the greater Number, (knowing and interested in the subject matter of the Question) is a favourable Argument of the Truth. In all Consultations of Lawyers or Physitians, concerning Health or Property, the Party concern'd in the inquiry takes the Majority as his surest Guide. What reason can be alledged why this Rule should not hold, in all other Civil Matters, of an indifferent Nature, wherein God hath not interpos'd by his express Will?

Now if we consider the principles and the Consequence of

the contrary Notion, I have heard ſome affirm, that it can hardly proceed but from Preſumption, and too great ſelf-ſufficiency, and may bring Miſchief and Confuſion to the Publick, as well as Damage and Ruin to the particular Perſon. How can ſuch an Opinion and Practiſe in a private Man (in Contradiction to the greateſt part of the Society whereof he is a Member) but ſavor of Vanity, as if he had more Wiſdom and Honeſty than all his Neighbours? And can he reaſonably expect to be ſafe in ſuch an Oppoſition to the Majority? And if ſeveral be of his Mind, the publick Peace muſt needs be endanger'd.

If Men be Humble and Peaceable, there will be in things of this Nature, a Conſideration of the Opinion of the greater part of the Inhabitants of that Country, in which they are born and live, thereby to ſettle the Rules and Meaſures of their private Conduct. I wou'd feign know, what is the Law and Conſent of Nations, which we all reverence and eſteem, as a Confirmation of the Law of Nature; What is it, but the Opinion and Practiſe of the Majority? 'Twere very eaſie to argue upon this ſubject, from every Topick, by which the Ingenious *Parker* demonſtrates his Laws of Nature; as from Reaſon and Experience; from the Obſervations of Nature, and the Neceſſities of Life; the Advantages of Juſtice, and the Comforts of Society. Every one of theſe would enforce and illuſtrate this Thought.

To ſtrengthen it further, it can't be denied that in caſe of great Numbers in diſtant Places, tho' of one Communi-

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ty, the meeting of every *Particular Perſon*, in order to conſult for the Common Good, is in fact impoſſible. Which Neceſſity doth teach and require the uſe of *Repreſentatives*: And Engliſhmen muſt agree, that the manner of Electing them, as hath been the Cuſtom of our Fore-fathers in all Ages, is reaſonable and wiſe, ſo that we are bound in Law and Reaſon, by their Declarations, Acts and Agreements, our Conſent being neceſſarily included in theirs, in all Points (as I ſaid) of an indifferent Nature, capable of being Debated and Determin'd by them, concerning which Almighty God hath not Expreſly interpos'd, and declar'd his Will; and we think no man in his wits will pretend that he hath, as to the preciſe manner of Emptying and Filling Thrones, and the ſeveral Methods of Legal Succeſſion.

Nor do any of the particular Laws of this Realm prevent or, weaken the force of this Notion. The Acts of Recognition of the Right of ſeveral of the Kings and Queens of this Realm do rather confirm, than contradict it, as is very apparent upon the Reading of 'em. The greateſt and moſt expreſſive of 'em all, and which goes the furtheſt, is the 12 *Car.* 2. *cap.* 30. for the Attainder of the *Regicides*, but amounts only to this, that the *People of England*, neither Collectively, nor Repreſentatively ever had, or ought to have any coercive Power over the Perſons of the Kings of this Realm. Now whether this can be reckon'd ſufficient to condemn this Notion of private Men's ſubmitting their Opinion

on and Practiſe to that of the Majority, in reſpect of Oaths and Obedience, may be left to any Man's Judgment: if Nature and Reaſon dictate this as a proper Meaſure whereby to Direct and Govern our Actions, no Law whatſoever can vacate, or annul it. But 'tis to ſuppoſe a Law to be made, which is not alterable by the Authority that made it; and that contradicts the agreed and known Maxime, that Laws in Derogation of the Authority, which makes Laws are Void; this muſt be admitted.

Now this being laid down, it appears further that a *Great Prince* of the Royal Family, here preſent within the Realm, upon the departure of the former Regent (whether that Departure were choſen by him, or forc'd upon him, by the Actions of his own Miniſters, or thoſe of his Enemies, is not material to enquire) was enacted and declared KING by the Majority of thoſe Repreſentatives: And ſo confirm'd, and declared again, and again, by the Majority of new *Repreſentatives*, peaceably, and freely Elected; (which Election by the way implies the Aſſent of every Voter to all the Acts of thoſe Perſons ſo choſen.) Then Oaths of Fidelity were ſolemnly taken to this Prince, not only by the *Repreſentatives*, but by Particulars; by the Majority of the Nobility, Clergy, Gentry, and Commonalty of the *Realm*. Then was he aſſerted to be *RIGHTFUL AND LAWFUL KING*, and this not by thoſe *Repreſentatives* alone, but Voluntarily declar'd

ſuch

ſuch in writing, under the hands of the Majority of the Individuals too, (as the Fact now ſtands) Excepting Women, Children and Servants, who are not properly *Sui juris*. Now after all this, it ſeems plain, that private Perſons are concluded not only by the Power of the Majority, but by the Law of Reaſon and Nature, as Members of this Community, to pay Allegiance to a Soveraign thus Conſtituted by the Conſent of their fellow Islanders, even by their whole Country. And are any now to ſcruple or doubt ſuch a Title? No ſurely, this is enough to command mine, and yours, and every Engliſhman's *True Allegiance*.

And I take it to be a much plainer and firmer Foundation for Obedience, than all the fine-ſpun Schemes of Policy and Government; which ſome pretending Rakers into the Rubbiſh of Antiquity, have ſqueez'd and ſtrain'd, out of old myſterious unintelligible Records; or which by the changeable diſtinctions of ſome *Caſuiſts* have been propos'd for Convenience ſake. This is plain Common ſenſe which every man feels, and falls into upon the firſt hearing. But at the rate, that ſome men diſtinguiſh and refine upon the matter, an honeſt man cannot be made to underſtand whom he ought to Obey, without being oblig'd to underſtand Metaphyſicks into the bargain. Theſe Thoughts, Sir, have ſatisfied me, that I am to conſider my ſelf not meerly as a ſingle Perſon, but as related to the Body of the Nation,

to, as one of Many; and so as involv'd, in the Interest and Opinion of the Majority, and upon that Account, as having assented to the Acts of that Majority; which I esteem and resolve to follow, as my Rule. That you may likewise do so with a satisfied and easie mind, is the design of this Paper and the Hearty Prayer of

SIR,

Nottingham. May 29. 1696.

Yours to serve you, &c.

FINIS.

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